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Rosetta Stone v. Google (Joint Appendix)

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Vol. IX, Tab 41 - Ex. 17 - Email from Baris Gultekin (Google Product Manager Director)

Baris Gultekin

Google

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From: Boris Gultekin
To: Susan Wojcicki; Nikesh Arora
Cc: Richard Holder; Nick Fox
Bcc: (-)
Subject: US Trademark Policy Change Announcement

Sent: 5/14/2009 2:09 AM

Hi Susan, Nikesh,

I wanted to send you a quick note to remind you that starting from today, sales teams will be pre-briefing large advertisers on the US trademark policy change we discussed a while ago. The public announcement will go live on Monday.

This will be part of the OC update next week, but in case it leaks and you get questions, here are some of the details about the launch:

• What:

- We are updating our trademark policy in the US to allow resellers and information sites to use trademark terms in their ad creatives for search and content network
- Details are in the attached deck, but in short, we will require that the landing page for the ad sell the goods and services corresponding to the trademark term
- Yahoo and Microsoft already allow use of TM terms in ad text

• Why:

- Our external messaging is that we want to improve ad quality and user experience by giving users more choice and discouraging overly generic and low quality ads
- Impact:
 - Trademark owners, especially the brand owners, will be upset about this change mainly because it may lead to higher cost for them. We have been working with the sales teams to prepare proactive communication.
 - Industry associations we pre-briefed gave a positive response since Yahoo/MSFT already have the policy.
 - Given the strong landing page component, requiring the trademarked product to be resold, this change may be perceived as less about advertisers' competitors using their TM term (like our keyword policy), so the main outcry will likely be cost driven.
 - Our estimations show about \$100M annual impact conservatively due to this policy change.
- Many advertisers today chose to not bid on trademarked keywords because our quality system disables their overly generic ad that doesn't contain the trademark term. With this change, we expect auctions to be a lot more competitive, providing users with more ad choices for trademarked queries.

• When:

- May 14: Pre-briefing large advertisers and agencies
- May 18th: Public announcement and blog post
- June 15th: Ads start running

Useful Links:

- External one sheet: <http://go/trademarkonesheet>
- Comm Doc: <http://go/trademarkcommdoc>
- External FAQs/Messaging: <http://go/ustmexternal>
- External Deck: <http://go/trademarkexternal>
- Agps presentation: <http://go/tmagps>

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- * Internal Sales Training: <http://go/ustmpolicydeck>
- * Internal FAQs: <http://go/ustinternal>

For some detail on the policy, you can find the external decks being sent to advertisers attached. Please let me know if you have any questions or concerns.

Baris

Draft of the blog post:

Imagine opening your Sunday paper and seeing ads from a large supermarket chain that didn't list actual products for sale; instead, they simply listed the categories of products available - offers like "Buy discount cola" and "Snacks on sale." The ads wouldn't be useful since you wouldn't know what products are actually being offered. For many categories of advertisers, this is the problem they have faced on Google for some time.

This is why, in an effort to improve ad quality and user experience, we are adjusting our trademark policy in the US to allow some ads to use trademarks in the ad text. Under certain criteria, you can use trademark terms in your ad text in the US even if you don't own that trademark or have explicit approval from the trademark owner to use it. This change will help you to create more narrowly targeted ad text that highlights your specific inventory.

For example, under our old policy, a site that sells several brands of athletic shoes may not have been able to highlight the actual brands that they sell in their ad text. However, under our new policy, that advertiser can create specific ads for each of the brands that they sell. We believe that this change will help both our users and advertisers by reducing the number of overly generic ads that appear across our networks in the US.

Please note that this policy update will only apply to ads served in the US on Google.com and to US users on the Search and Content networks. For ads served outside of the US, the trademark policy for ad text remains the same; in reaction to a trademark complaint, Google will not allow ads specifically outlined in the complaint to run with the term in the ad text. Also, while we will start accepting new ads that contain trademark terms today, those ads will not begin showing until June 15th.

If you have ads in your account which were previously disapproved for trademark policy and that comply with the new policy, you may submit those ads for re-review and eligible ads may begin showing in the US starting June 15th. For instructions on editing your ad text, click here.

In order to help you understand what types of landing pages might meet our policy guidelines, we have added some new functionality to our Search-based Keyword Tool. If you visit www.google.com/sktool and enter your website URL, you can see example landing pages extracted from your website that may be opportunities to show re-sale or informational ads.

We believe that this change will offer you the opportunity to provide users with more relevant information, choice and options while respecting the interests of trademark owners.

For more detail on our updated trademark policy in the US, please visit our help center.